

**MINUTES OF THE ZONING, IMPLEMENTATION, POLICY, PROCEDURE
AND ORDINANCE REVIEW (ZIPPOR) COMMITTEE OF THE
PLANNING AND ZONING COMMISSION**

June 17, 2021
10:30 a.m.

Gotowebinar.com
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Jay Swart, Vice Chairman
Mr. Nathan Andersen
Mr. Kevin Danzeisen
Ms. Kate McGee
Ms. Francisca Montoya

MEMBERS ABSENT:

Mr. Greg Arnett, Chairman
Mr. Matt Gress
Mr. Erik Hernandez
Mr. Jimmy Lindblom
Mr. Lucas Schlosser

STAFF PRESENT:

Mr. Darren Gerard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Mr. Ray Banker, Senior Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney (left at 10:55 a.m.,
and returned 11:38 a.m.)
Mr. David Anderson, Business Engagement Mgr., OET
Ms. Erin Novotny, Management Assistant

Chairman Arnett not in attendance, Vice Chair Swart is acting Chairman.

Chairman Swart called the meeting to order at 10:30 a.m.

Text Amendment TA2018001

All Districts

Applicant:	Joseph White, Becker Boards Small, LLC
Request:	Text Amendment – Off-Site Advertising Signs (Billboards)
Recommendation:	N/A – Application is applicant driven, ZIPPOR meeting is for discussion purposes only. Staff will provide a recommendation with the staff report for the Planning and Zoning Commission hearing.

Mr. Banker presented TA2018001 and noted this is an applicant proposed text amendment for off-site advertising signs (billboards). The applicant is proposing changes to Section 201, Chapter 14 including articles 1403 and 1404 in the

Maricopa County Zoning Ordinance. This text amendment was continued indefinitely at the July 25, 2019 Planning and Zoning hearing. Staff held a stakeholder meeting on May 21, 2021 to discuss the latest revisions to the text amendment language. There were four individuals at the meeting that spoke in opposition. Staff has received many new comments and opposition since the writing of the staff report. The meeting today is only for discussion and staff does not have any recommendations. The comments and concerns were provided in the staff report. The proposed language will be referenced in the discussion and have been included in meeting notices and EROP. Revisions to Section 201 Scenic Corridor Overlay Zoning Districts, and changes to language with static and digital billboards, and to make sure these definitions are consistent with other jurisdictions. Article 1403 as it pertains to Commercial C-2 and C-3 Zoning districts in billboards includes the proposal radial verses the existing linear separation requirements as well as static and digital billboard conversions, and updates to the diagrams and exhibits to clarify sign face. Digital billboards are currently not allowed in Maricopa County, and the applicant has all new language proposed.

Mr. Bill Lally with Tiffany & Bosco said he is representing the applicant Becker Boards. They began this process in 2018 which included outreach to a number of stakeholders including the industry professionals, the dark sky communities and cities. They had a lot of meetings with the County discussing the language. They are proposing to update current language to reflect industry standards, allow digital billboards only on freeways in urban areas, a radius separation instead of the current linear separation which reduces the number of billboards currently allowed, comparable to municipalities throughout the County, create process for all digital boards, and exclude scenic corridors for permitted areas. They tightened up the scenic corridor language and definitions so billboards would be prevented and prohibited in certain areas that otherwise today do allow those. The Conditional Use Permits (CUP) process is the largest of the changes from the 2019 version and the version that is proposed today. Instead of following what most municipalities do and what they are used to, we had to amend that process to allow for that use permit to act like a new entitlement and go through the Board of Supervisors. The conversion is a more robust process going from static to digital. This text amendment has been in the public realm for three years and has undergone many changes. The next steps is to go to the Planning and Zoning hearing on July 22, 2021, and to the Board of Supervisors on August 18, 2021. This morning they received additional letters of concerns with impacts on neighbors and other communities. The digital conversions would be for the county islands only and digital conversions primarily along the freeway. The scenic corridor restrictions would really affect the north part of the valley. The three billboards in the Estrella and Laveen Village area located within their corridor along the freeway will likely have the digital conversion. This conversion will only apply to existing billboards. These are unincorporated areas that need commercial or industrial zoning, and we are not proposing to change the underlining zoning or make it easier to establish a billboard. This would prevent situations where billboards could be located today where in the future with the adoption of this, it would be prohibited in terms of spacing and location of a scenic corridor.

Commissioner Montoya asked the location of these scenic corridors. Mr. Lally said page one of the text amendment defines scenic corridors as they are already established in Maricopa County. We are not establishing new scenic corridors, all we are doing is referencing the existing scenic corridors - Carefree Highway, Castle Highway, McMickem Dam, Olive Avenue, El Rio, and I-17 North of Carefree Highway.

Mr. Gerard said there are two types of scenic corridors in the County. There are regulatory scenic corridors and those are limited solely to State Route 74 and the Wickenburg Highway from Bell Road up to Wickenburg. The others that were mentioned are guidelines, not regulatory. They would be codified into the ordinance to prohibit billboards.

Ms. Lisa Perez said this is bad public policy to have an applicant run this process, and she only found out about this text amendment in May. The outreach to other individuals and organizations need to be more robust for changing the zoning ordinance. She is against anything going digital. The County already has a process to keep the billboards non-digital for a reason and it should be kept. There are 475 pages of a staff report and comments received in 2018 and 2019. She hopes the Commission is taking the time to really consider and review these documents, and that they are hearing from all organizations and neighborhoods. If you are going to do something that is going to change an entire portion of the zoning ordinance there should be more input from more people.

Mr. Neal Haddad said there is no public benefit with the proposed text amendment. The quantity and intensity would greatly expand across Maricopa County. The details of this are awful by reducing the separation requirement by half and allowing billboards as high as 80 feet tall, and allow to be within 150 feet of residential. Digital signs really increases the intensity. This will affect the dark sky of the desert, and astronomy is a big industry in our state. Digital signs do not create jobs, and why would we want to change the current rules to benefit a small group. Plus these billboards will disturb wildlife and public views. The discussion has been limited about driver and traffic safety, and the limiting of public input without the opportunity to appeal to the Board of Adjustment. This proposed text amendment with the separation requirements, increasing the height, doubling the size, allowing conversion to digital and no take down boards in exchange for digital, and only one public hearing without an appeal is ill conceived and full of problems. He asked the commission to reject this text amendment.

Ms. Nicole Rodriguez said she is in opposition of this text amendment. Very few cities are allowing billboards anymore and she has concerns with the new digital signs. They have little benefit to the public as a whole and nobody is asking for these billboards. This will have an impact on how we design our cities now and in the future. There may not be someone adjacent to a digital billboard but there will be soon. This will impact our personal and public property, and long term impacts along with energy usage. In Arizona we have energy demand issues especially in the summer months. There is no benefit other than the advertiser.

Mr. Larry Whitesell asked the commission to oppose this text amendment, it puts profits in the billboard industry over the safety and quality of life of county residents and visitors. They stated the text amendment doesn't make it easier to add billboards, but it does make it easier to locate new billboards with static and digital because it reduces separation requirements between billboards and reduces setbacks to zero. The conversion is a small part of the concern, the construction of new digital billboards is problematic under this text amendment. The hundred foot separation from residentially zoned properties or residential use 150 feet if illuminated is unacceptable. A 500 foot separation should be the minimum and be consistent with the City of Phoenix ordinance. There are different restrictions in the city ordinance that are not included in this text amendment. What is the rationale with billboards closer to roadways to be larger, higher and closer than billboards further away from freeways? Those numbers if permitted should be reversed. The provisions of notification for affected properties has been eliminated where notice should be given to property owners within 450 feet in Rural or Residential zoning district boundaries, and there should be consistency in the provisions.

Mr. Dan Penton said the proposed text amendment would only serve to benefit the industry and the applicant. The billboard industry is trying to find novel ways to reach their target audiences using new technologies with geo-tracking for advertising, and there are privacy concerns. Digital advertising affects those driving their vehicles by seeing this large oversized TV screen and there is nothing to avoid that. It is an abrupt image, and you aren't given a choice to focus on the roadway. In Chandler off the 202, there is about 12 billboards every 600 feet, and if they were changing every 8 seconds it would be really distracting. This needs to be rejected with the road safety and the environment issues.

Mr. Luke Edens said he is in opposition and is disappointed that residents would be limited to only one public hearing which removes their opportunity to voice their concerns in a fair and open process. He is the vice-president of the Phoenix Area Chapter of International Dark Sky Association. No one has reached out to the them or the dark sky members in New River, Cave Creek, Fountain Hills or Wickenburg that all have started dark sky community processes. Billboards benefit no residents in Maricopa County and are an eyesore and are a distraction to drivers on our roadways. He opposes billboards entirely, especially a text amendment for bigger, brighter and higher billboards, and digitalization of billboards. He works as a flight nurse out of Deer Valley Airport and the current billboards along the I-17 corridor can be seen as far as 50 miles outside of Maricopa County limits. We need to stop progression of billboards both static and digitalization. It impacts our wildlife and our enjoyment in our dark sky areas.

Ms. Georgia Wolfe said she is in opposition of this text amendment, she sees no advantage in expanding the capacity of billboards. Once the rest of the public understands what's going on here it will be a huge issue with these billboards to be higher, larger and closer together, and digital. This affects our beautiful mountains and deserts.

Mr. Charles Huellmantel said he is with Outfront Media and he is in opposition to this text amendment. He understands at some point to update the code, but this doesn't serve the rest of the community. If there is going to be a review of the ordinance it should be staff driven. He asks the commission to reject this and to start over with a fair process by staff instead of an applicant driven process.

Mr. Taylor Earl said they registered to speak a while back and they have no comments at this time.

Mr. Lally said with many of the existing setbacks they are not changing. When billboards are in the urban areas they need to be within 1,000 feet of each other, so they are not cutting that in half. Billboards can remain in those locations less than 1,000 feet but greater than 500 feet where those locations remain the same in the conversion process. Any new billboard will have to be 1,000 feet away from each other. The radius standard by which you measure the 1,000 feet will reduce the number of billboards that could be located in the future as opposed to today. The hundred foot from residential is a clarification with the code today requiring 100 foot from residential zoning. We are adding language in there for residential zoning and residential uses, which is greater protection for residential uses that are actually not in residential districts. Many in opposition mentioned what's the public benefit, and the benefit is if you have a digital conversion billboard those network times shall be available to federal, state and local public safety agencies. That does not exist today on the static billboards located in unincorporated county. That is written into the code as a public benefit to be able to partner with local law enforcement, local city to provide a public announcement to the community unlike any other jurisdiction in the area. There are a number of billboards around the valley and this code amendment will affect probably 10 percent of the total billboards in the entire valley. We have submitted multiple studies since 2018 and 2019 that demonstrate driver distraction studies that do not show an enhanced distraction for drivers along freeways for digital versus any other type of signage. We have referenced Wickenburg that will have enhanced dark sky restrictions, and in Cave Creek there are no right-of-way's that are commercial or industrial in Cave Creek in unincorporated county that will have a billboard. There is one county island in Fountain Hills which is a large residential master planned community and have no zoning that allows billboards. All of the locations where digital billboards will apply is along the existing freeways with existing billboards with existing commercial zoning. Dark sky ordinances will not be affected with the Maricopa County ordinance. There was a question about why we have two different standards, why are billboards within 300 feet allowed to go bigger, taller, and digital and the billboards that aren't within 300 feet have to remain the same standards as today. You'll see large 14'x48' billboards on an arterial road in a commercial area adjacent to residents, this code does not allow that. It will require if you are not within 300 feet of a freeway you have to follow the same standards that exist today, 30 feet in height, and 10'x30' in size. The two different standards are intentional to protect the non-freeway areas from larger, taller digital billboards and have different standards for freeways. This is our eighth public hearing on this matter, so the idea that there has not been enough input or

time with the applicant driven application is not sufficient. When you have eight public hearings and five or six revisions it should speak for itself.

Commissioner McGee said she believes the county is more restrictive than the cities, and prefers the text amendment be tightened up around residential areas. There has to be a compromise with all parties involved and this text amendment is a big step forward.

Commissioner Andersen said he would be interested in looking at the impact studies on billboards. He believes the CUP process for digital conversion will allow each specific request to be evaluated based on the unique circumstances that exist for that particular conversion, and he likes this aspect of it. He appreciates there's an effort to identify protection of scenic corridors and to have them listed in the language of the text amendment.

Commissioner Montoya asked what the next steps for this text amendment are. Mr. Gerard said the next step would be a public hearing in front of the Planning and Zoning Commission with a July date, and tentatively a Board of Supervisors hearing in August.

Mr. Banker said the applicant would like to move forward to the July 22 Planning and Zoning Commission hearing and a tentative August 18 Board of Supervisors date.

Ms. Amy Oliver said she represents the Arizona Astronomy Consortium which is a consortium of the major observatories in the state of Arizona. The proposed revisions to the text amendment to convert the conventional billboards to digital billboards is damaging to dark skies at observatory sites. They are concerned they haven't seen nothing in this proposal that links back to the state statute ARS Section 28-7902 which bans digital billboards near scenic corridors and around observatories. Our organization and other observatories have not been involved in this process during this three year period. They would like the applicant to come back and involve all of the major stakeholders especially the observatories as we are a major part of the Arizona economy to talk about some of the technological issues, and come up with some sort of solution before this moves forward.

Chairman Swart asked about the state law referenced. Mr. Peck said he is not familiar with that, but if someone were to propose a billboard that violates the state law we would do the research before the matter is brought to the Planning and Zoning commission, or the Board of Adjustment or the Board of Supervisors.

Chairman Swart asked if the state statute referenced can be sent to Mr. Peck for review. Mr. Gerard said there is a statute that specifically speaks to certain townships and range that prohibit digital or possibly illumination to protect those types of resources. We can have that statute attached in the next staff report and review with the applicant and counsel.

Chairman Swart asked if there were any one else from the public that wished to speak. Ms. Applegate said Mr. Tom Mozdzen expressed his opposition but did not wish to speak. His opposition is based on aesthetics, harm to nature's animals that require dark at night, and harm to Arizona's astronomy industry.

No action by the Commission - TA2018001 was a discussion item only regarding the proposed text amendment.

Chairman Swart adjourned the meeting at 11:45 a.m.

Prepared by Rosalie Pinney
Recording Secretary
June 17, 2021